IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33827 of 2007(B)

PETITIONER:

T.V.VIVEKANANDAN, S/O.KUMARAN,
AGRICULTURE ASSISTANT, KRISHI BHAVAN,
PALLIKUNNU, KANNUR DIST.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

---

1. THE DIRECTOR OF AGRICULTURE, DEPARTMENT OF AGRICULTURE, TRIVANDRUM.

2. SECRETARY TO GOVERNMENT, DEPARTMENT OF AGRICULTURE, GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 33827/2007

Dated this the 16th day of November, 2007

JUDGMENT

The petitioner is working as an Agricultural Assistant in the Department of Agriculture. He aspires for promotion to the post of Agricultural Officer. Petitioner contends that by order dated 12.4.2000 final seniority list of 155 Agricultural Assistant Grade-II was published and the petitioner is included in that list. Subsequently in the year 2006, the Government had filled up vacancies in the post of Agricultural Officers by promotion. Thereafter, by Ext.P1 order a final revised/combined seniority list of Agricultural Assistants was published. Petitioner is included in the said list. Petitioner's apprehension is that the first respondent is now proposing to fill up the vacancies in the post of Agricultural Officer, which have to be filled up by direct recruitment, by persons sponsored by Employment Exchange. In other words, according to the petitioner, there are no regular hands to be appointed as Agricultural Officers by direct recruitment and

consequently first respondent proposes to fill up those vacancies by the persons sponsored by the Employment Exchange. Obviously the petitioner can aspire for appointment to the post of Agricultural Officer only by promotion. Petitioner, therefore, cannot have a grievance regarding the manner in which the vacancies are to be filled up by direct recruitment. Currently there is no rank list published by the PSC. There is nothing wrong in the appointing authority recruiting persons on a provisional basis as against those vacancies which even otherwise have to be filled up by direct recruitment. Petitioner is aspiring for a provisional promotion as an Agricultural Officer against those vacancies which are otherwise set apart for direct recruitment. If that be the case, the petitioner's claim is misconceived and I do not think it is open to the petitioner to seek an interdiction against the appointment of any person, on provisional basis, in accordance with the rules, as an Agricultural Officer as against those vacancies which even otherwise have to be

filled up by direct recruitment. In my view this writ petition is misconceived and it deserves to be dismissed.

Writ petition is dismissed accordingly.

V.GIRI
Judge

mrcs